

**MINUTES OF THE CONFERENCE CALL MEETING OF THE
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY
March 12, 2004**

BOARD MEMBERS PRESENT: President Martin Reiss, D.O.; Murray Cohen, D.O.; Charlie Hendrix; and F. P. Wedel, D.O.

BOARD MEMBERS ABSENT: Vice-President Stanley Grossman; Stanley Brysacz, Jr., D.O., and David Steinway, D.O.

STAFF / OTHERS PRESENT: Elaine LeTarte, Executive Director
Barbara Meyers, Deputy Director
Roberto Pulver, Assistant Attorney General

I. CALL TO ORDER

The Board President, Dr. Martin Reiss, called the conference call meeting to order at 2:15 p.m.

II. ROLL CALL

The Executive Director took the roll. All the Board Members listed above were present on the call, establishing quorum for the meeting. Dr. Cohen was disconnected at one point; the Board suspended discussion until he re-joined the call. The staff and others listed above were also present.

III. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855.

A. Randy Collins, D.O. Case No. 3325 License No. 1546

Dr. Collins was present on the conference call. Dr. Reiss summarized the Executive Director's report, that Dr. Collins' had tested positive on an EtG urine test. The Board members discussed the lab result in light of the terms of Dr. Collins' probation order. Dr. Collins stated that he had been shocked at the result. He denied having consumed any alcohol, and stated that the result may have been caused by his use of a mouthwash that contained alcohol, or his use of alcohol scrubs in his practice. Dr. Collins stated that he has practiced on February 23, 2004, the day he gave the sample that tested positive.

Ms. Hendrix moved the Board go into Executive Session to discuss options available to the Board in this case. Dr. Cohen seconded. The motion passed, and the Board went into Executive Session at 2:20 p.m. Dr. Collins hung up from the call at that time.

At 2:35 pm., the Board resumed open session, and Dr. Collins returned to the call.

Ms. Hendrix moved that the Board summarily suspend Dr. Collins' license, as his use of alcohol in violation of his probation made him an immediate threat to the health, safety, and welfare of the public. Ms. Hendrix gave three reasons for the motion: that Dr. Collins was in violation of his probation and therefore demonstrated an inability to be regulated by the Board; 2) that Dr. Collins came to the Board under an agreement that he wanted to be rehabilitated, and his conduct violated that trust, and 3) that Dr. Collins was under the influence of drugs when practicing, which made him a danger to the public.

Dr. Wedel seconded the motion.

Dr. Collins stated that it had not crossed his mind that using the mouthwash or the alcohol scrubs was a problem. He stated that the EtG test measured a metabolite not alcohol in his body, and that he had never been found to have alcohol content in his urine. In response to Dr. Cohen's question, Dr. Collins stated that the last time he had a drink was May 11, 2003.

Ms. Hendrix called the question. A roll call vote was taken, and the motion to summarily suspend passed, 4-0. Ms. Hendrix, Dr. Wedel, Dr. Cohen, and Dr. Reiss voted in favor of the motion. No one voted against it.

The Executive Director then read the proposed Findings of Fact to the Board. Dr. Cohen moved the Findings be adopted. Dr. Wedel seconded. A roll call vote was taken, and the motion passed, 4-0. Dr. Cohen, Dr. Wedel, Ms. Hendrix, and Dr. Reiss voted in favor of the motion. No one voted against it.

The Executive Director read the proposed Interim Conclusions of Law to the Board. Ms. Hendrix moved the Interim Conclusions be adopted. Dr. Cohen seconded. . A roll call vote was taken, and the motion passed, 4-0. Ms. Hendrix, Dr. Cohen, Dr. Wedel, and Dr. Reiss voted in favor of the motion. No one voted against it.

IV. CALL TO THE PUBLIC

No member of the public was present.

V. ADJOURNMENT

There being no further items on the agenda, Dr. Cohen moved to adjourn. Ms. Hendrix seconded. Hearing no objection, Dr. Reiss adjourned the conference call meeting at 2:55 p.m.

Drafted: March 12, 2004
Approved: March 27, 2004